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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,088	05/22/2001	Steven Christopher Tengler	10541-181	9013

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EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/863,088

Applicant(s)

TENGLER ET AL.

Examiner

Roberto J Rios

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 13, 16, 17, 22-24 and 26 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 14, 15, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12, 13, 16, 17, and 22-24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe (US patent 6,414,591).

As per claim 12, Watanabe teaches an input/output device mounted in a vehicle having a driver seat and a passenger seat, comprising: a housing (20); electronics, a switch (30) having activated and inactivated positions, an input device (23); and an output device (24) for displaying information to one or more occupants of said vehicle, the output device being adapted to move between first and second positions, wherein the switch is disposed on the housing such that the output device moves the switch into the activated position when the output device moves from the first position to the second position (Figure 2), and wherein the electronics disable the input device when the switch is not in the activated position (col. 3, line 33).

As per claim 13, Watanabe teaches the first position is such that information displayed on the output device is within the zone of vision of an occupant of said driver seat (Figure 2).

As per claim 16, Watanabe teaches an input/output device mounted in a vehicle having a driver seat and a passenger seat, comprising: a housing (20) defining a recess, an input device (23), an output device (22, 24, 26, 28) for displaying information to one or more occupants of said vehicle, the output device being adapted to move between first and second positions substantially within the recess, means (30) for detecting the presence of the output device in the second position; and means for disabling the input device when the output device is not in the second position (col. 3, line 33).

As per claim 17, Watanabe teaches the first position is such that information displayed on the output device is within the zone of vision of an occupant of said driver seat (Figure 2).

As per claim 22, Watanabe teaches a method of restricting input into an input/output device mounted within a vehicle, said input/output device having a housing (20) defining a recess, an input device (23) and an output device (22, 24, 26, 28) adapted to move between first and second positions substantially within the recess, the method comprising: determining (30) if said output device is in said second position, disabling said input device if said output device is not in said second position, and enabling said input device if said output device is in said second position (Figure 2; col. 3, line 33).

As per claim 23, Watanabe teaches determining if said vehicle is in motion and enabling said input device if said vehicle is not in motion (col. 3, line 41).

As per claim 24, Watanabe teaches a method of restricting input into an input/output device mounted within a vehicle, said input/output device having a housing defining a recess, an input device and an output device adapted to move between first and second positions substantially within the recess, the method comprising: determining if said vehicle is in motion, determining if said output device is in said second position, and disabling said input device if said output device is not in said second position and said vehicle is in motion, and enabling said input device if said output is in said second position.

As per claim 26, Watanabe teaches enabling said input device if said output device is in said second position and said vehicle is not in motion (col. 3, line 33+).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe.

As per claim 1, Watanabe teaches an input/output device for mounting in a vehicle having a driver seat and a passenger seat, comprising: a housing (20), an input device (231), an output device (22) for displaying information to one or more occupants of said vehicle, the output device being adapted to move between first and second positions (open, close), an electrical switch that is actuated by said output device; and

electronics adapted to disable the input device when the output device is not in the second position (col. 3, line 33) but does not specifically disclose using an electrical circuit terminating in first and second electrical contacts, the circuit being complete when the first electrical contact is in electrical communication with the second electrical contact, the first electrical contact disposed on the output device such that the electrical circuit is complete when the output device is in the second position. However, the Examiner takes official notice that it is well known in the art to use separate contact switches to provide circuit interruption in a system. *The Examiner wants to point out that applicant has failed to seasonably traverse the official notice taken in the last office action mailed on 04/01/2003. If applicant does not seasonably traverse the well-known statement during examination, then the object of the well-known statement is taken to be admitted prior art. *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, applicant was charged with rebutting the well-known statement in the next reply (i.e., amendment filed on 07/03/2003) after the Office action in which the well-known statement was made (i.e., non-final office action mailed on 04/01/2003), MPEP § 2144.03.

It would have been an obvious engineering design choice to interchangeably provide either a separate contact switch or Watanabe's switch since they are well-known switching equivalent means.

As per claim 2, Watanabe teaches the switch disposed on the housing (Figure 2).

As per claim 3, Watanabe teaches the housing defining a recess having a perimeter and the output device (22, 24, 26, 28) moves between the first and second positions substantially within the recess (Figure 2).

As per claim 4, Watanabe teaches the output device having a pivot pin (top of 24) and the perimeter of the recess defines an opening that receives the pin such that the output device moves between the first and second positions substantially within the recess (Figure 2).

As per claim 5, Watanabe teaches the output device having a second pivot pin (bottom of 24) and the perimeter of the recess defines a second opening that receives the second pin (Figure 2).

As per claim 6, Watanabe teaches the input device comprises a plurality of buttons (23) adapted to allow an occupant of said vehicle to enter information into said input/output device by depressing one or more of the buttons (col. 2, line 27).

As per claim 7, Watanabe teaches the output device comprising a display screen (22).

As per claim 8, Watanabe teaches the input device comprises an operation panel but does not specifically disclose an on-screen control selectively displayed on the display screen. However, the Examiner takes official notice that to positioned on-screen controls selectively displayed on a display screen is well known in the vehicle control art. Thus, it would have been an obvious engineering design choice to positioned on-screen controls displayed on a display screen for the purpose of integrating the components into a single unit. *The Examiner wants to point out that applicant has

failed to seasonably traverse the official notice taken in the last office action mailed on 04/01/2003. If applicant does not seasonably traverse the well-known statement during examination, then the object of the well-known statement is taken to be admitted prior art. *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, applicant was charged with rebutting the well-known statement in the next reply (i.e., amendment filed on 07/03/2003) after the Office action in which the well-known statement was made (i.e., non-final office action mailed on 04/01/20023), MPEP§ 2144.03.

As per claim 9, Watanabe teaches the first position being such that information displayed on the output device is within the zone of vision of an occupant of said driver seat (Figure 2).

5. Art of general nature relating to vehicle display control has been cited for applicant's review.

Allowable Subject Matter

6. Claims 10, 11, 14, 15, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 20 and 21 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record teaches restricting or limiting the information displayed via an output to a vehicle driver when said information is within a zone of vision of a

vehicle driver. The prior art of record fails to teach or fairly suggest a method for restricting input operation into an input/output device comprising determining whether a driver is able to view information displayed by said output and disabling said input if the information is within a zone of vision of a vehicle driver as in the combination of elements recited in claim 20.

Response to Arguments

9. Applicant's arguments filed 07/03/2003 have been fully considered but they are not persuasive.

Applicant argues that Watanabe merely discloses limiting a specific portion of the input device solely on whether or not the vehicle is running. Watanabe discloses said input/output moving between an open and close position. When said input/output is in the closed position, a position detector switch is actuated, wherein a position signal is generated in conjunction with a speed signal to disable said input (col. 3, line 20+). Moreover, applicant's claim language does not preclude additional sensing or circuit functions that could act in conjunction with the position detecting means.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication with PTO

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.



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